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Sixty-fourth session
Agenda item 132
Programme budget for the biennium 2010-2011

Conditions of service for the ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

Twenty-first report of the Advisory Committee on Administrative and Budgetary Questions on the programme budget for the biennium 2010-2011

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the conditions of service for the ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/64/635 and Corr.1). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. In paragraph 5 of his report, the Secretary-General indicates that the report was submitted in response to requests from the Presidents of the two Tribunals to bring to the urgent attention of the General Assembly the issue of the terms and conditions of the ad litem judges of the two Tribunals, in particular the issue of pension benefits. In its resolution 64/239, the General Assembly noted that the Secretary-General was conducting a review of conditions of service of ad litem judges at the International Criminal Tribunal for Rwanda and stated that it anticipated addressing the review at the first part of its resumed sixty-fourth session. The Advisory Committee notes, in this regard, that in section I, paragraph 8, of its resolution 63/259, the General Assembly decided that the emoluments, pensions and other conditions of service for the members of the International Court of Justice and the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda would next be reviewed at its sixty-fifth session, including options for defined benefit and defined contribution pension schemes.

3. By its resolutions 1329 (2000) and 1431 (2002), the Security Council decided to establish pools of ad litem judges at the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, respectively, and

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also decided to amend the relevant articles of the Tribunals' statutes. As the Secretary-General indicates in paragraph 8 of his report, article 13 ter of the statute of the International Tribunal for the Former Yugoslavia provides that, during their four-year term, ad litem judges will be appointed by the Secretary-General, upon request of the President of the Tribunal, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years. Identical provisions applicable to the International Criminal Tribunal for Rwanda are set out in article 12 ter of its statute. In paragraph 9 of his report, the Secretary-General further indicates that article 13 quater (1) (a) of the statute of the International Tribunal for the Former Yugoslavia and article 12 quater (1) (a) of the statute of the International Criminal Tribunal for Rwanda provide that ad litem judges at both Tribunals shall benefit from the same terms and conditions of service mutatis mutandis as the permanent judges.

4. In paragraph 10 of his report, the Secretary-General notes that, by means of various resolutions, the Security Council has extended the terms of office of ad litem judges of both Tribunals beyond the maximum cumulative period of three years in order to assist the Tribunals in the implementation of their completion strategies (see, inter alia, Security Council resolutions 1705 (2006), 1717 (2006), 1877 (2009) and 1878 (2009)). As a result, by the time that the Tribunals complete their trials, a number of ad litem judges will have served for continuous periods of more than three years. A table showing the length of service of the ad litem judges currently serving at both Tribunals is provided in the annex to the present report.

5. The Advisory Committee was further informed, upon enquiry, that the Security Council had decided to extend the mandates of particular ad litem judges beyond the three-year maximum in order to avoid the possible need to restart trials or to replace an ad litem judge for the short amount of time remaining before the completion of a trial. At both Tribunals, the joining of multiple accused persons into a single trial, many of which involved ad litem judges, had resulted in trials lasting over three years. The Committee was also informed by representatives of the International Tribunal for the Former Yugoslavia that while such joinders had necessitated the extension of the terms of some ad litem judges, they had also led to significant savings and greater overall efficiency.

6. It is argued by both Tribunals that, since the period of service of ad litem judges will have exceeded three years and since they will have assumed the same responsibilities as the permanent judges, ad litem judges should be entitled to the same remuneration, benefits and allowances paid to the permanent judges. For those reasons, in paragraph 20 of his report, the Secretary-General states that, since the conditions of service applicable to the judges of the Tribunals are set and approved by the General Assembly, the Assembly may wish to decide to extend the pension scheme of the permanent judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda to the ad litem judges.

7. In section IV of his report, the Secretary-General sets out the financial implications of a General Assembly decision to extend the pension scheme currently applicable to permanent judges of the two Tribunals (see paras. 15-17 of the report) to ad litem judges with more than three years' continuous service. The related annual budgetary requirements are estimated at $421,300 for the International Criminal Tribunal for Rwanda and $346,566 for the International Tribunal for the

Former Yugoslavia, based on the current terms of service of the ad litem judges. The Secretary-General notes that the additional requirements for the biennium 2010-2011 would be subject to the actual dates of completion of the judges' terms of service, and that the actual expenditures would be addressed in the context of the relevant performance reports.

8. It should be recalled that, following the Security Council's decision to establish a pool of ad litem judges at the International Tribunal for the Former Yugoslavia, the Advisory Committee pointed out that the limitation of service to a cumulative period of less than three years had the effect of preventing ad litem judges from reaching the three-year threshold after which they would be eligible for pension benefits. The Committee acknowledged, however, that it was conceivable, although highly unlikely, that circumstances could lead to a trial lasting long enough that the service of an ad litem judge would exceed three years. To cover that eventuality, the Committee recommended that the relevant letter of appointment should contain a proviso that, notwithstanding such a development, the consequential extension of service would not give rise to any additional entitlements or benefits other than those which already exist and which would be extended pro rata by virtue of the extension of service (see A/55/806, para. 14). The General Assembly, in its resolution 55/249, endorsed that recommendation and, upon enquiry, the Advisory Committee was informed that the aforementioned proviso had been included in all letters of appointment signed by ad litem judges at both Tribunals.

9. In the Advisory Committee's view, a number of issues should be borne in mind by the General Assembly when it considers this matter. The first of these is the question of eligibility as it relates to length of service. In this connection, the Advisory Committee points out that the statute of neither the International Tribunal for the Former Yugoslavia nor the International Criminal Tribunal for Rwanda explicitly disqualifies ad litem judges from receiving pension benefits. Under the relevant pension scheme regulations, judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda who have ceased to hold office and have reached the age of 60 are entitled, during the remainder of their lives, to a retirement pension provided that they have completed at least three years of service (see General Assembly resolution 58/264, annexes II and III). It is the limitation of service of ad litem judges to a cumulative period of less than three years that has had the effect of preventing them from becoming eligible for pension benefits. However, following the decisions of the Security Council referred to in paragraph 4 above, a number of ad litem judges of both Tribunals have now served for cumulative periods in excess of three years. In this respect, those individuals could, in accordance with the aforementioned pension scheme regulations, be eligible for pension benefits.

10. The General Assembly may also wish to bear in mind the issues raised in paragraph 3 of the Secretary-General's report (A/64/635). In that paragraph, the Secretary-General states that, according to the President of the International Criminal Tribunal for Rwanda, the workload of the ad litem judges is identical to that of the permanent judges and that their responsibilities are nearly identical. The President therefore notes that the continued differences in the terms and conditions of service of the permanent and the ad litem judges are no longer justified and should be addressed in the interest of both equity and the successful implementation of the completion strategy.

11. Upon enquiry, the Advisory Committee was informed that, at the International Criminal Tribunal for Rwanda, the differences in the employment conditions of the permanent and ad litem judges were those described in article 12 quater (2) of the Tribunal's statute, namely that ad litem judges were not eligible for election as, or to vote in the election of, the President of the Tribunal or the Presiding Judge of a Trial Chamber; nor did they have power to adopt rules of procedure and evidence, review an indictment or consult with the President of the Tribunal in relation to the assignment of judges or in relation to a pardon or commutation of sentence. With respect to the International Tribunal for the Former Yugoslavia, the Advisory Committee was informed that there were many responsibilities that only the permanent judges were authorized to undertake, such as contempt cases, applications from domestic jurisdictions for access to confidential information and appeals proceedings.

12. The Advisory Committee was further informed by the International Criminal Tribunal for Rwanda that the General Assembly's original decision to withhold certain entitlements and allowances from the ad litem judges (pension benefits, relocation allowance and education grant) was based on the mutatis mutandis clause in article 12 quater (1) (a) of its statute (see para. 3 above). At that time, the Assembly endorsed the Advisory Committee's recommendation that, by virtue of the limitation on their length of service, ad litem judges should not be eligible for certain entitlements and allowances available to the permanent judges (see A/55/806, paras. 7-15, and General Assembly resolution 55/249). In determining whether the existing pension scheme for permanent judges should be extended to cover ad litem judges who have served continuously for more than three years, the General Assembly may wish to consider whether, given the changed circumstances of the Tribunals' operations (namely that the number of ad litem judges has been temporarily increased; several ad litem judges have been authorized by the Security Council to serve beyond the three-year maximum; and some Trial Chambers have been split into sections which may consist only of ad litem judges), the differences in the conditions of service of the two categories of judge continue to be justified.

13. With regard to the Tribunals' completion strategies, the Advisory Committee was informed, upon enquiry, that if an ad litem judge leaves the service of a Tribunal before the completion of the case to which he/she is assigned, a substitute judge may be appointed. The proceedings may recommence only when the substitute has certified that he/she has familiarized him/herself with the record of the proceedings. Only one such substitution may be made during a hearing. The need for a second substitute would require the case to be reheard from the beginning.

14. The foregoing explanation suggests that the departure of ad litem judges before the conclusion of the cases that they are hearing could delay the proceedings and therefore affect the ability of the Tribunals to complete their work on time. The report of the Secretary-General, however, contains no indication that, if the General Assembly were to retain the current terms and conditions of service, ad litem judges who have exceeded or will soon exceed the three-year period would resign before the completion of their cases.

15. **Given the differences in a number of conditions of service of the ad litem and the permanent judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, the Advisory**

Committee is of the view that it would be most appropriate to consider the matter of pension benefits for the ad litem judges in the context of the wider review of the emoluments, pensions and other conditions of service for the members of the International Court of Justice and the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda to be conducted by the General Assembly at its sixty-fifth session.

Annex

Length of service of ad litem judges currently serving at the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

Judge	*Date term began*	*Date term ends (projected)*	*Completed years of service as at end of term*
International Tribunal for the Former Yugoslavia			
Judge A	15 December 2008	30 August 2012	3 years 8 months
Judge B	27 February 2008	30 September 2010	2 years 7 months
Judge C	3 March 2008	30 June 2011	3 years 3 months
Judge D	8 January 2007	31 March 2011	4 years 2 months
Judge E	3 March 2008	30 June 2010	2 years 3 months
Judge F	2 July 2007	30 August 2012	5 years 1 month
Judge G	25 April 2006	31 January 2011	4 years 9 months
Judge H	15 December 2009	28 February 2011	1 year 2 months
Judge I	27 February 2008	30 June 2011	3 years 4 months
Judge J	3 April 2006	31 January 2011	4 years 9 months
Judge K	3 July 2006	31 March 2010	3 years 8 months
Judge L	11 July 2006	28 February 2010	3 years 7 months
Judge M	3 April 2006	31 January 2011	4 years 9 months
International Criminal Tribunal for Rwanda			
Judge 1	27 January 2009	31 December 2010	1 year 11 months
Judge 2	24 October 2003	31 December 2010	7 years 2 months
Judge 3	31 August 2003	31 December 2010	7 years 4 months
Judge 4	11 September 2004	31 December 2010	6 years 3 months
Judge 5	1 May 2007	31 December 2010	3 years 8 months
Judge 6	10 September 2004	31 December 2010	6 years 3 months
Judge 7	7 January 2009	31 December 2010	1 year 11 months
Judge 8	22 October 2003	31 December 2010	7 years 2 months
Judge 9	10 September 2004	31 December 2010	6 years 3 months
Judge 10	24 January 2009	31 December 2010	1 year 11 months
Judge 11	20 March 2004	31 December 2010	6 years 9 months

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Programme budget for the biennium 2010-2011

Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council

Twenty-second report of the Advisory Committee on Administrative and Budgetary Questions on the programme budget for the biennium 2010-2011

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council (A/64/349/Add.6). The report contains the proposed additional resource requirements for the period from 1 January to 31 December 2010 for three special political missions, namely the United Nations Representative on the International Advisory and Monitoring Board of the Development Fund for Iraq, the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) concerning Al-Qaida and the Taliban and associated individuals and entities and the Monitoring Group on Somalia. During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The Advisory Committee recalls that the General Assembly, in its resolution 64/245, approved an overall provision of $1 billion for special political missions under section 3, Political affairs, of the programme budget for the biennium 2010-2011. The Assembly also approved the budgets of the 26 special political missions presented in table 1 of the report of the Secretary-General (A/64/349) and a charge totalling $569,526,500 against the mentioned provision. The remaining balance in the provision for special political missions for 2010-2011 therefore amounts to $430,473,500.

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3. The Secretary-General proposed additional requirements for the period from 1 January to 31 December 2010 in the amount of $1,044,000 net ($1,045,100 gross) for the three missions indicated in paragraph 1 above (A/63/349/Add.6). The amount is proposed to be charged against the balance in the provision for special political missions under section 3, Political affairs, of the programme budget for the biennium 2010-2011. The Advisory Committee notes that the mandates of these three special political missions were either expanded or extended after submission of the reports of the Secretary-General containing the resources for the period from 1 January to 31 December 2010 (A/63/349/Add.1-5).

4. **The comments and recommendations of the Advisory Committee on the requirements for the three special political missions presented in the report of the Secretary-General (A/64/349/Add.6) are contained in sections II to V below.**

II. United Nations Representative on the International Advisory and Monitoring Board

5. The Advisory Committee recalls that the overall resources proposed for special political missions in the report of the Secretary-General for 2010 reflected the anticipated completion of the mandate of the International Advisory and Monitoring Board by 31 December 2009 (A/64/349, table 1). No provision was therefore included in the resources proposed by the Secretary-General. However, the Security Council, in its resolution 1905 (2009), decided to extend the mandate of the Board to 31 December 2010. The Committee notes that the Council also requested the Secretary-General to report on progress made and options to implement successor arrangements for the Development Fund for Iraq; called upon the Government of Iraq to put in place a necessary action plan and timeline to ensure the timely and effective transition to a post-Development Fund mechanism by 31 December 2010; and requested it, inter alia, to submit reports providing an assessment of progress against the action plan and oversight improvements (see Security Council resolution 1905 (2009), paras. 3-5).

6. The resource requirements proposed for the United Nations Representative on the International Advisory and Monitoring Board for the period from 1 January to 31 December 2010 are estimated at $82,200. These resources would provide for the official travel of the Representative and his or her alternates/advisers to the meetings of the Board ($60,300) and the resources for the hosting of one meeting in New York ($21,900) (A/62/349/Add.6, para. 6). The Board is expected to hold five meetings in 2010 (Amman, Washington, D.C., Kuwait City, Paris and New York), compared to four in 2009.

7. The Advisory Committee notes that the increase in the requirements, as compared with the resources appropriated for 2009 of $36,700, is attributable to more meetings being held away from New York and the hosting of a two-day meeting in New York. **The Committee recommends approval of the resources proposed for the United Nations Representative on the International Advisory and Monitoring Board for the period from 1 January to 31 December 2010.**

III. Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) concerning Al-Qaida and the Taliban and associated individuals and entities

8. The Advisory Committee recalls that the Analytical Support and Sanctions Monitoring Team was established by the Security Council in its resolution 1526 (2004). The Council, in paragraph 20 of its resolution 1904 (2009), decided, inter alia, that the Al-Qaida and Taliban Sanctions Committee would be assisted by an Office of the Ombudsman, to be established for an initial period of 18 months from the date of adoption of that resolution. Information on the background, mandate and objective of this special political mission was provided in document A/64/349/Add.2, paragraphs 82 to 86, and updated in document A/64/349/Add.6, paragraphs 7 to 9.

9. Upon enquiry, the Advisory Committee was informed that the Ombudsman function was essentially an expansion and empowering of the focal point process set out in the annex to Security Council resolution 1730 (2006), which was established to receive de-listing requests from petitioners designated on any Security Council sanctions list. It would be logical to assume, therefore, that the Ombudsman eventually could be given the responsibility by the Council for receiving and processing requests from petitioners designated on any sanctions list. The mandate, functions and tasks of the Ombudsman are contained in annex II to Council resolution 1904 (2009). The Committee notes that, in accordance with paragraph 21 of Council resolution 1904 (2009), after the appointment of the Ombudsman, the focal point mechanism (P-4) established in resolution 1730 (2006) shall no longer receive requests from individuals or entities seeking to be removed from the Consolidated List, but shall continue to receive requests from individuals and entities seeking to be removed from other sanctions lists. Consequently, and as indicated in the report of the Secretary-General (A/64/349/Add.6, para. 11), part of the focal point's time will be freed to provide support to the Ombudsman at an adequate level while providing the institutional memory related to de-listing, access to files and the normal range of office logistics.

10. The Advisory Committee recalls that the General Assembly, in its resolution 64/245, approved an amount of $3,970,900 for the Analytical Support and Sanctions Monitoring Team for 2010. As indicated in the report of the Secretary-General, the estimated additional requirements for 2010 resulting from the decision contained in Security Council resolution 1904 (2009) would amount to $192,800 (A/64/349/Add.6). The requirements include the fees of the Ombudsman, which are estimated at $187,700 (on the basis of a monthly rate of $12,880 plus cost-of-living allowance of $5,700, as well as provision for possible claims under appendix D to the Staff Rules), communication charges ($1,200), information technology equipment and maintenance ($3,500) and other supplies ($400). The Committee was informed that the costs were calculated on the basis of a 10-month requirement with the exception of non-recurrent requirements of $2,400 for the acquisition of a computer and printer included in the provision for information technology, based on the expectation that the Ombudsman would begin fulfilling his or her duties at the end of March 2010.

11. Upon enquiry, given the difference in the rates used to calculate the fees of the Ombudsman and those of the three additional experts proposed for the Monitoring Group on Somalia (see para. 16 below), the Advisory Committee was informed that

the current highest rate was used for calculating the fees of the Ombudsman, owing to the high qualifications and experience the Ombudsman should possess, in accordance with paragraph 20 of Security Council resolution 1904 (2009). The Committee was further informed that the Council had decided that the position should not be held by a Secretariat staff member, but by an independent and highly qualified expert appointed by the Secretary-General through a letter addressed to the Security Council, given the need for independence and impartiality. In this connection, the Committee recalls that a letter from the Secretary-General announcing the appointment of the Ombudsman will be issued as a document of the Council, as is current practice with experts appointed to serve on other monitoring groups and expert panels.

12. **The Advisory Committee recommends acceptance of the additional resources proposed by the Secretary-General for the Analytical Support and Sanctions Monitoring Team for 2010.**

IV. Monitoring Group on Somalia

13. The Security Council, in its resolution 1519 (2003), established the Monitoring Group on Somalia as a successor arrangement to the Panel of Experts on Somalia. While the mandate has been extended several times, the Council, in its resolution 1907 (2009), expanded the mandate of the Monitoring Group to encompass new measures against Eritrea. The additional tasks the Monitoring Group is expected to perform are contained in paragraph 19 of Council resolution 1907 (2009) (see also A/64/349/Add.6, para. 15). The Advisory Committee notes that it is anticipated that the mandate of the Monitoring Group will be extended beyond March 2010, after submission and consideration by the Security Council of the final report of the Group (ibid., para. 13).

14. The Advisory Committee notes that in line with the request in paragraph 19 of Security Council resolution 1907 (2009) for appropriate arrangements for additional resources and personnel so that the expanded Monitoring Group may continue to carry out its mandate, the Secretary-General is proposing that the Group comprise two distinct teams, one for Somalia, which currently includes five experts, and one for Eritrea, comprising three additional experts having particular expertise in the areas of arms embargoes, transportation and finance. The Committee also notes that the expanded Monitoring Group will be based in Entebbe, Uganda for security reasons, taking advantage of the presence of the United Nations Organization Mission in the Democratic Republic of the Congo and the proximity of Entebbe to Somalia and surrounding countries.

15. The Advisory Committee recalls that the General Assembly, in its resolution 64/245, appropriated an amount of $1,555,200 for 2010 for the Monitoring Group on Somalia on the basis of proposals made by the Secretary-General (A/64/349/Add.2). As indicated by the Secretary-General, the estimated additional requirements for 2010, following the adoption of Security Council resolution 1907 (2009), would amount to $769,000 (A/64/349/Add.6). These include civilian personnel costs of $7,500, related to one additional position proposed for an administrative assistant (Local level) to address the increase in the workload in terms of research and administrative support; an additional provision of $715,900 to cover the fees of the three additional experts proposed for nine months ($422,700) and their travel ($293,200), as well as other

operational costs, including travel costs of United Nations staff to set up the office in Entebbe ($23,200), rental of vehicles for 20 monitoring missions ($3,000), communications charges and telecommunications equipment ($7,900), information technology equipment and maintenance ($9,000) and other supplies ($2,500).

16. The Advisory Committee was informed that the fees of the three additional experts were calculated on the basis of nine months at a monthly rate of $11,600, plus a cost-of-living allowance of $3,900 and provisions for possible claims under appendix D to the Staff Rules. The rates constitute an average of all current fees used and a budgetary estimate. The exact level of remuneration is determined in consultation with the Office of Human Resources Management in accordance with established procedures (see also para. 11 above).

17. **The Advisory Committee recommends acceptance of the additional resources proposed by the Secretary-General for the Monitoring Group on Somalia for 2010.**

V. Recommendation

18. **With regard to the proposal made by the Secretary-General for action to be taken by the General Assembly, as set out in paragraph 21 of his report (A/64/349/Add.6), the Advisory Committee recommends that the Assembly approve the additional requirements for 2010 of $1,044,000 net ($1,045,100 gross) for the United Nations Representative on the International Advisory and Monitoring Board of the Development Fund for Iraq and the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004). The Committee recommends that the additional requirements be accommodated from the provision of $569,526,500 approved by the General Assembly in its resolution 64/245 for the biennium 2010-2011.**

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Programme budget for the biennium 2010-2011

Revised estimates relating to the programme budget for the biennium 2010-2011 under sections 28C, Office of Human Resources Management, 28D, Office of Central Support Services, and 36, Staff assessment: Emergency Preparedness and Support Unit

Twenty-third report of the Advisory Committee on Administrative and Budgetary Questions on the programme budget for the biennium 2010-2011

I. Introduction

1. The Advisory Committee has considered the report of the Secretary-General entitled "Revised estimates relating to the programme budget for the biennium 2010-2011 under sections 28C, 28D and 36 related to the Emergency Preparedness and Support Unit" (A/64/662). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. In his report, the Secretary-General states that "it is imperative for the Organization to put in place a proactive, comprehensive and coordinated system with central capacity to assist the United Nations duty stations, country offices and security management teams in enhancing preparedness for mass casualty events" (A/64/662, para. 1). To that end, he proposes the establishment of an Emergency Preparedness and Support Unit in the Office of Human Resources Management of the United Nations Secretariat to provide a dedicated capacity for support to survivors and the families of those who perish or are injured as the result of a malicious act, natural disaster or other emergency. As indicated in paragraph 7 of the report, the Unit would develop, implement, coordinate and facilitate a support programme consisting of risk-based preparedness, emergency response and post-emergency response. The Unit would, inter alia:

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- Provide assistance to United Nations duty stations, country offices and security management teams in developing, implementing, maintaining and testing emergency medical and mass casualty management plans
- Support the deployment of United Nations medical emergency response teams and rapid-response administrative personnel teams in response to an incident
- Serve as an initial point of contact for incident victims and their families through the establishment of a round-the-clock call centre and a dedicated hotline
- Work with United Nations agencies, funds and programmes to develop a policy framework in respect of support for victims through the Human Resources Network of the United Nations system Chief Executives Board for Coordination
- In the post-emergency response phase, coordinate long-term continuing support to survivors and affected families

The proposed outputs of the Unit are set out in paragraph 8 of the report.

3. The Secretary-General describes his proposal as "an initial step" (see A/64/662, para. 1). He states in paragraph 9 of the report that:

> In order for the United Nations to respond in a compassionate and meaningful way to the needs of survivors and families of staff who have died as a result of natural disasters, malicious attacks directed at the United Nations or other emergencies, other requirements associated with the provision of assistance and support must be considered. These include assistance related to education for dependent children and travel for families of the deceased and survivors to memorial ceremonies and funerals and to places of evacuation.

As indicated in the same paragraph, these requirements would be the subject of a separate report following further evaluation. Upon enquiry, the Advisory Committee was informed that the fully elaborated report, which would include proposals concerning longer-term support for victims and their families, would likely be submitted in the first half of 2011. The Committee points out that the scope of the needs and the full financial implications are therefore not known at this time.

4. The resource requirements for 2010-2011 amount to $3,145,100 million gross ($2,941,300 net). A total of eight new posts are requested (1 D-1 Chief of Unit, 1 P-5 Senior Medical Officer, 1 P-4 Medical Officer, 1 P-4 Policy Officer, 1 P-3 Administrative Officer, 1 P-2 Associate Administrative Officer, 1 P-2 Associate Information Technology Officer, and 1 General Service (Other level) Survivor and Family Support Assistant). As indicated in paragraph 10 of the report, the two Medical Officer posts would be located in the Medical Services Division but would form part of the Emergency Preparedness and Support Unit and those holding the posts would therefore report to the Medical Director as well as the Chief of the Emergency Preparedness and Support Unit. Non-post requirements amounting to $1,775,600 can be derived from the figures shown in table 2 of the report.

II. General observations and recommendations

5. The Advisory Committee received the following clarification: in spite of the timing of its presentation, the proposal of the Secretary-General to establish an Emergency Preparedness and Support Unit was intended not to respond specifically to requirements related to the recent natural disaster in Haiti, but rather to put in place arrangements to deal with any crisis that has occurred or that may occur as the result of natural disasters, malicious acts directed at the United Nations or other emergencies.

6. Upon enquiry, the Advisory Committee was informed that the Secretariat had, in fact, been working on the proposal for about 18 months. The Committee notes that, as can be seen from table 1 of the report, the Organization has been dealing with issues relating to victims of malicious acts and natural disasters since at least 2003. No indication is given as to why resource requirements were not included in the proposed programme budget for the biennium 2010-2011. **In this connection, the Committee draws attention to the provisions of General Assembly resolutions 41/213 and 42/211 governing the use and operation of the contingency fund and recalls Assembly resolutions 62/236 and 64/243, in which the Assembly, inter alia, requested the Secretary-General to take the necessary steps to avoid a piecemeal approach to the budget process and to ensure the fullest possible picture of the Organization's requirements for future bienniums. In the Committee's view, the proposal elaborated for handling the needs described in the Secretary-General's report (see para. 3 above) should be submitted as part of the proposed programme budget for the biennium 2012-2013.**

7. The Advisory Committee notes that the Secretary-General's proposal attempts to address three distinct aspects of emergency preparedness, namely: the development of a policy framework to be worked out in consultation with United Nations agencies, funds and programmes; emergency preparedness in the medical sphere, including development and implementation of risk-based emergency medical and mass casualty management plans; and direct medical and administrative support to families and victims.

8. The Secretary-General asserts that currently no capacity or resources exist in the Secretariat to consistently address the spectrum of needs, including risk-based emergency preparedness, immediate response in the event of an incident and the provision of comprehensive and caring support to survivors and families affected by the death or injury of a loved one (A/64/662, para. 2). While the Advisory Committee understands that there may be a lack of policy and coordination and that the Organization has clearly had to rely on volunteers to a significant degree, as demonstrated by the handling of the recent crisis in Haiti, there is still some capacity to deal with these matters within the Organization.

9. **The Advisory Committee points out that, when it comes to unpredictable events, planning and policy development, while necessary, cannot be a substitute for judgement and prioritization. Therefore, any development of policy guidance should take into account the necessity for retaining an element of flexibility in decision-making.**

10. **It is the Advisory Committee's view that communication and coordination on this issue, both within the Office of Human Resources Management and**

between that Office and other Secretariat entities, are of fundamental importance. The Committee is therefore concerned that the establishment of a separate structure would add another layer of bureaucracy. Consequently, the Committee recommends against the establishment of a new Unit. Nevertheless, based on the explanations provided, the Committee can support a limited strengthening of certain functions within the existing structure of the Office of Human Resources Management.

11. **The Advisory Committee recognizes the need for strengthening the Organization's response to the needs of victims and survivors; however, this should be based on a more systematic analysis of the existing capacities of the Secretariat that are engaged in related activities, such as disaster recovery, business continuity and critical incident stress management, and should include exploring and building on complementarities. In the light of that analysis, a careful assessment of the scope of activities should be undertaken. Furthermore, in the Committee's view, greater attention should be given to cooperation and collaboration with United Nations agencies, funds and programmes, including the possibility of cost-sharing arrangements, as well as to the utilization of the voluntary support provided by Member States.**

12. **The Advisory Committee is of the view that, although "ad hoc" in nature, the volunteering on the part of United Nations staff has been an important element of the emergency support provided in the past. The Committee therefore recommends that training in emergency preparedness be incorporated into existing staff training programmes.**

III. Resource requirements

13. One D-1 post is proposed for the Chief of the Emergency Preparedness and Support Unit. **In view of its recommendation made in paragraph 10 above, the Advisory Committee recommends against the establishment of the D-1 post.**

14. With respect to preparedness in the medical sphere, the Advisory Committee was informed, upon enquiry, that the intention with respect to the current proposal was to focus on the need for trained and capable surge capacity for mass casualty incidents so as to ensure medical care for those individuals who were critically injured in an attack or disaster. Further, the Committee was informed that there was a gap in the capacity of the United Nations to deliver medical support, particularly after mass casualty events, and that the medical skill set required was in the area of emergency medicine, trauma management and disaster management. It was expected that the Medical Services Division would assist United Nations medical facilities in preparing for such incidents and that it should be ready to supplement and support overwhelmed or disrupted capabilities in the context of mass casualties. The deployment of United Nations medical response teams, which is an element of the proposed support programme, would allow an assessment of the situation in the area and a review of capabilities and the suitability of local services, and would enable coordination and monitoring of medical evacuation to higher levels of care. The Committee was also informed that, while all duty stations should have emergency plans in place, these should be monitored by United Nations Headquarters to ensure that they are adequate and effective. Further, the Committee was informed that present capacity in the Medical Services Division was insufficient to handle this

task in the approximately 70 field duty stations where field medical facilities are located.

15. **The Advisory Committee recognizes the need to strengthen the Medical Services Division in order to fill the above-mentioned capacity gaps. The Committee therefore recommends approval of one temporary post for 1 P-4 Medical Officer who would coordinate the medical support aspects of emergency preparedness. Given the current staffing of the Medical Services Division (41 positions), the Committee believes that any further requirements could be met from within existing capacity until such time as a more elaborated proposal is submitted, including a policy framework for emergency and post-emergency response. The Committee therefore recommends against approval of the P-5 post proposed for a Senior Medical Officer.**

16. The establishment of a P-4 post is proposed for a Policy Officer. The Advisory Committee was informed that the Policy Officer would, inter alia, coordinate efforts of the United Nations Secretariat and inter-agency groups tasked with examining and developing policies that impact on survivors and family members and would be responsible for facilitating the availability of support and guidance for survivors and family members. He or she would also assist in coordinating the work of the rapid-response emergency administrative personnel and in providing training for staff at Headquarters and in the field in emergency preparedness. **While the Committee considers these functions to be important, it notes that the Office of Human Resources Management has a Human Resources Policy Service in which there are currently 40 positions. Under the circumstances and bearing in mind its recommendation in paragraph 10 above, the Committee believes that the requirement for these functions could be met from within existing capacity. Accordingly, the Committee recommends against the establishment of the requested P-4 post for a Policy Officer.**

17. The Secretary-General requests the establishment of a P-3 Administrative Officer and a P-2 Associate Administrative Officer. The Advisory Committee was informed that these officers would be involved, in particular, in staff welfare and administrative work through, inter alia, maintaining and updating survivor and family lists in coordination with the agencies, funds and programmes; ensuring the availability of advice and guidance for survivors and family members; and providing assistance to post-incident focal points for families and survivors. **The Committee recommends approval of the establishment of a temporary P-2 post for an Associate Administrative Officer. Any additional requirement for administrative support should be met from within existing capacity.**

18. The establishment of a P-2 post is requested for an Associate Information Technology Officer. The Advisory Committee was informed that the Officer would serve as website manager and information technology focal point. In addition, an amount of $50,000 is requested for a consultant who would set up a website with discussion group and web-room functionality so as to allow communication between support groups and survivors and families, and to allow the Secretariat to provide information to them. **The Committee recommends approval of the $50,000 requested for website development; however, given the current staffing of the Human Resources Information Systems Section (18 posts), it is of the view that ongoing requirements for website management could be carried out**

within existing capacity. It therefore recommends against the establishment of the requested P-2 post.

19. **The Advisory Committee recommends approval of the establishment of a temporary General Service (Other level) post in order to provide administrative support relating to the welfare of victims and survivors.**

20. An amount of $281,400 is requested for travel of staff. The Advisory Committee was informed that the requirement was for the travel of two members of the United Nations emergency response medical team to three duty stations annually to conduct testing and simulation of the mass casualty preparedness plan ($68,400); travel to Baghdad and Algiers to meet and follow up with the survivors of the bombings on the United Nations compounds ($45,800); travel of two Medical Officers to the incident sites ($127,200) to assess the way in which local emergency medical services deal with casualties, to assess the need for medical evacuation, to coordinate evacuations, to establish initial lists of victims and casualties for subsequent follow-up, and to act as an on-site medical incident coordinator for Headquarters; and travel for deployment of rapid-response teams to the site of emergency incidents ($40,000). **In view of its recommendations in the paragraphs above, the Committee recommends that the requirement for travel be reduced by 50 per cent, to $140,700. Any additional resource requirements should be met from within existing travel resources of the Office of Human Resources Management.**

IV. Conclusion

21. The actions to be taken by the General Assembly are set out in paragraph 15 of the report of the Secretary-General. **As indicated in paragraph 10 above, the Advisory Committee recommends against the establishment of the Emergency Preparedness and Support Unit at this time. Taking into account its recommendations in the paragraphs above, the Committee recommends the appropriation of an additional amount of $1,571,800 for the biennium 2010-2011 under section 28C, Office of Human Resources Management ($1,358,700), section 28D, Office of Central Support Services ($147,300), and section 36, Staff assessment ($65,800), to be offset by a corresponding amount under income section 1, Income from staff assessment, of the programme budget for the 2010-2011. The amount of $1,571,800 would represent a charge against the contingency fund.**